



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

January 19, 2006

The Honorable David P. Currier, Chairman
Resources, Recreation and Development Committee
Room 303, Legislative Office Building
Concord, NH 03301

Re: House Bill 1491, establishing a committee to study the publicly owned treatment plant needs of New Hampshire

Dear Representative Currier:

Thank you for the opportunity to comment on HB 1491. This bill would establish a commission to study publicly owned treatment facilities in New Hampshire.

While not defined in the bill, publicly owned treatment facilities/works (POTWs) are typically considered to be wastewater treatment plants that are owned by local, county, and state governments which discharge to surface waters under a federal National Pollution Discharge Elimination System (NPDES) permit issued by the United States Environmental Protection Agency (EPA). New Hampshire has 95 POTWs.

The Department of Environmental Services (DES) can support the establishment of the commission proposed in HB 1491 in concept, with amendments. Please note that we are unclear on the expected outcome of the commission's work based on the bill language. Upon first review, we believe that this would most likely result in a compilation of existing information by DES on the state's POTWs for the commission followed by a discussion of this information.

A brief discussion of the information available on POTWs is provided below for your consideration. This type of information would likely be compiled by DES for presentation and consideration by the commission should HB 1491 become law.

- **National needs survey** Every 4 years, DES surveys POTWs on expected needs for treatment plant and sewer system upgrades going out into the future 20 years to project demand for the State Revolving Loan Fund at the national level. This survey is required by EPA. The survey information is provided online by DES to EPA which compiles the information into a report of national wastewater infrastructure needs, known as the "Clean Water Needs Survey." This survey documents the needs and costs of municipal wastewater pollution control facilities across the country for each state. The most recent needs survey was completed in 2005 and the final report should be available in 2006 from EPA.
- **Annual Priority Lists for State Revolving Loan Funds (SRFs) and State Aid Grants (SAGs)**: On an annual basis, DES holds public hearings and requests information from municipal POTWs on expected projects for SRFs (low interest loans) and SAGs (20% or 30% state aid grants). Copies of these priority lists are available for your review.

January 19, 2006

- **POTW Operational/discharge reports:** DES also compiles (and examines for compliance purposes along with EPA) the operational/discharge reports for all permitted POTWs in the state, and closely tracks compliance with NPDES permit requirements.
- **Effluent criteria and treatment technology:** DES also routinely discusses effluent criteria, toxicity policies, and treatment technologies and trends with EPA, other states' environmental agencies and industry. In New England, this often occurs through discussions in regular meetings of the New England Interstate Water Pollution Control Commission (NEIWPCC) and the New England Water Environment Association (NEWEA). These technical considerations tend to be focused on technical issues and how they are evolving with time. Information on current/projected populations and industrial growth patterns mentioned in the bill is readily available from the Office of Energy and Planning.
- **NPDES Permit reviews:** NPDES permits for POTWs are renewed every 5 years. Consequently, DES and EPA, along with the POTW owners and operators, review NPDES permit limits and permit conditions for every POTW every 5 years. These permits are constantly evolving to reflect the most current technical considerations and information on specific water bodies. In general, the result is that permit limits are generally becoming more stringent and permit conditions more complex with time as technologies evolve and federal standards change to reflect the best available data.

Finally, DES recommends two amendments to HB 1491 for your consideration. First, we recommend that the commission's membership include two members nominated by the New Hampshire Water Pollution Control Association (NHWPCA) representing POTWs since the treatment plant operators are experts on POTW needs. Also, in light of the potential scope of the commission's responsibilities and the breadth of the information that may require review, we believe that this time frame is unrealistic and recommend that this date be November 30, 2007.

Thank you again for the opportunity to comment. Please call me at 271-3503, or John Bush at 271-2001, if you have any questions or need additional information.

Sincerely,



Michael P. Nolin
Commissioner

cc: Representative Owen